

7-31-14

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 3:12-CV-30192-MAP

INTERNATIONAL UNION OF OPERATING)
ENGINEERS, LOCAL 98 HEALTH AND)
WELFARE FUND, ET AL,)
Plaintiffs,)
V.)
S&R CORPORATION,)
Defendant.)

**DEFENDANT'S OBJECTIONS TO MAGISTRATE JUDGE NEIMAN'S ORDER OF
JUNE 30, 2014 DENYING DEFENDANT'S MOTION FOR RULE 56(d)
FOR LEAVE TO TAKE FURTHER DEPOSITIONS**

Pursuant to Rule 2(b) of the Rules for United States Magistrate Judges in the United States District Court for the District of Massachusetts, Defendant files this Objection and Notice of Appeal to Magistrate Judge Neiman's Order of June 30, 2014 denying Defendant's Motion pursuant to Rule 56(d) for Leave to Take Further Depositions of Management Trustees.

This matter involves a suit filed by the Joint Labor-Management Board of Trustees of various Local 98 Operating Engineer Fringe Benefit Funds seeking to compel Defendant to produce, in an un-redacted fashion, certain financial records in the course of an audit yet to be scheduled or conducted to determine if the Defendant has paid its fringe benefit obligations in full. It is undisputed that Defendant offered to produce all requested records, but insisted on redacting the amounts of money paid in such confidential and privileged matters as salaries or other payments to corporate owners and officers, charitable and political contributions, amounts of money privately negotiated with material suppliers and subcontractors and entries reflecting the corporate profit and loss status. Identities of all recipients would be fully disclosed and only

Overruled. The June 30, 2014 ruling by Judge Neiman was neither clear nor consistent with the law. So ordered. Michael C. Donohue